IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.14808-M of 2007
Date of Decision:- 17.03.2007

Naresh Kumar Goel ....Petitioner(s)

through
Mr.Vikram Chaudhari, Advocate

vs.

C.B.I., ACB/Chandigarh. ....Respondent(s)

through
Mr.Rajan Gupta, Special P.P.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition under Section 438 Cr.P.C., is to grant pre-arrest bail to the petitioner in case F.I.R.No.RCCHG 2004A 0012/7.5.2004 registered under Sections 420,468,471,193 and 120-B IPC at Police Station, CBI ACB, Chandigarh.

The above-stated F.I.R. has been registered by the Central Bureau of Investigation in compliance to the directions issued by a Division Bench of this Court on 19.4.2004.

As per the allegations, one SPS Chauhan, Advocate, along with his associates (which includes the petitioner) has been running a racket for securing false MACT claims.

As far as the petitioner is concerned, it is alleged that he is a close associate of SPS Chauhan, Advocate and in addition to giving false evidence in the accident claim case of **Gurmeet Kaur** vs. **Sukhdev**

Singh, he arranged one Sukhdev Singh, his neighbour, as a tractor driver. The vehicle i.e. the tractor was also allegedly arranged by the petitioner in the said accident case. Similarly, the petitioner is alleged to have arranged Bajay Singh, father-in-law of his friend, as an eye witness in the above-stated MACT case. According to the CBI, the petitioner was actively involved in arranging vehicles and drivers in accident cases which were reported as 'untraced' by the police being caused by unknown drivers and vehicles. The petitioner is stated to have involved his own truck in the accident cases of **Saroj** vs. **Surinder Kumar** and **Somawati** vs. **Ashok Kumar.** In the first case, while the petitioner's wife was shown as the owner of the truck, his brother-in-law Pardeep Kumar Aggarwal was falsely represented as the driver. In the second case, the petitioner involved his own truck and Ashok Kumar, driver was also arranged by him. Not only this, the petitioner is stated to have arranged Pardeep Kumar Aggarwal, his brother-in-law as a driver in the case of **Balbir Khan** vs. **Pardeep Kumar**. The petitioner also allegedly arranged Pushpinder Kumar, his relative as an eye witness in the case of **Kuldeep Kaur** vs. **Raj Kumar**. The petitioner did not even spare his nephew Des Raj and got him involved in a claim case regarding an accident which occurred in Chandigarh.

Though a single FIR has been registered, however, there are 30 MACT claim cases which are being investigated by the CBI pursuant to the said FIR. Out of these cases, investigation in respect of 16 MACT cases has been completed and a charge-sheet under Section 173 Cr.P.C. has been presented before the Court. As regard to other cases, the investigation is still going on.

Upon presentation of charge-sheet under Section 173 Cr.P.C.

in respect of 16 MACT claim cases, the petitioner has been summoned by the Court as an accused and due to his non-appearance, non-bailable warrants are stated to have been issued against him subsequently.

It is in this backdrop that the petitioner seeks the concession of pre-arrest bail.

I have heard learned counsel for the parties at length and perused the relevant documents.

I am of the considered view that so far as the 16 MACT claim cases which have already been investigated and a report under Section 173 Cr.P.C. in relation thereto has been presented by the C.B.I, no useful purpose shall be served by taking the petitioner into judicial custody merely because non-bailable warrants have been issued against him by the learned Judicial Magistrate to secure his presence. There appears to be no dispute that as and when required, the petitioner had joined the investigation in those cases.

However, no blanket order of pre-arrest bail can be granted to the petitioner in the F.I.R. in question for the simple reason that rest of the alleged fake and false MACT claim cases are still being investigated by the C.B.I. and *prima facie,* his active involvement in securing those claims has been suspected. The Investigating Agency, therefore, needs to be given free hand to take its investigation into those cases also to its logical conclusion.

Consequently, this petition is disposed of with the following directions:-

(i) the petitioner, in response to the non-bailable warrants issued against him, may surrender before the learned Judicial Magistrate, CBI at Ambala within one week

from today and furnish the requisite bail bonds to the satisfaction of the learned Judicial Magistrate upon which he will be admitted to bail. However, his bail bonds shall be accepted by the learned Judicial Magistrate only after giving at least one day's advance notice to the C.B.I.

(ii)However, release of the petitioner on bail as directed above, in the case to the extent of those MACT fake claim cases which have already been investigated by the C.B.I., shall not be taken and construed as if the petitioner has been granted pre-arrest bail even in respect of those alleged fake MACT claims instances which are still being investigated by the C.B.I. In other words, the Investigating Agency shall be at liberty to take the petitioner into custodial interrogation, if so required, for the purpose of ongoing investigation.

March 17, 2007 **(SURYA KANT)**
poonam **JUDGE**